Law of the DPR Korea on Maritime Administration

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Chapter 1 The fundamentals

Article 1 (Objective)

This Law is enacted with a view to establishing a strict and sound system in the maritime administration to ensure safety of lives and ships at seas, rivers and lakes and prevent environmental pollution from ships.

Article 2 (Definition)

For the purpose of this Law:

1. Seafarer means any person who has been entered in the register of seamen of the maritime administration organ, and serves or is to serve in any capacity on board a ship;
2. Ship means a floating structure of any type whatsoever, used in transportation and other waterborne or underwater economic activities. It also includes fixed and mobile offshore drilling units;
3. Shipping institutions, enterprises and organizations mean either the owner of a ship who is responsible for the operation of such a ship and management of seafarers in accordance with the maritime legislation or any other institutions, enterprises and organizations which have agreed to take over such responsibilities from the shipowner. They also include any bareboat chartering institutions, enterprises and organizations;
4. DPRK waters mean the economic zone, established by the State, which extends 200 n.miles from

the baselines from which the breadth of the territorial sea is measured. It also includes rivers and lakes. In case where such 200 n.miles delimitation is impossible to apply in some areas, it covers the waters extending upto the median line that is equidistant from the shores of the DPRK and the neighboring State;

5. Domestic voyage means any voyage within the DPRK waters including rivers and lakes;
6. International voyage means any voyage between the DPRK ports and foreign ports or between the foreign ports;
7. DPRK flagged ship means any ship which has been entered in the register of ships of the DPRK;
8. Foreign flag ship means any ship which has been entered in the register of ships of another State.

Article 3 (Principles of establishing the maritime administrative system)

The State shall have an effective maritime administrative system in place and exercise coordinated control and governance over the maritime administrative affairs.

Article 4 (Principles of enhancing maritime administration)

It is the consistent policy of the State to enhance the national maritime administration.

The State shall ensure systematic increase of investment into the maritime administration sector and pay great attention to improvement of the material and technical foundation of such a sector.

Article 5 (Principles of establishing and implementing the standards for maritime administration)

The State shall ensure that the effective and strict standards for maritime administration are established, implemented and updated to keep up with the times.

Such standards shall be established by the national maritime authority for approval by the Cabinet.

Article 6 (Principles of ensuring scientific accuracy, objectivity and timeliness in maritime administration)

The State shall ensure scientific accuracy, objectivity and timeliness in maritime administration.

Article 7 (Exchanges and cooperation in maritime sector)

The State shall develop exchange and cooperation with other States and international organizations in the maritime sector.

Article 8 (Scope of Application)

This Law applies to any institutions, enterprises and organizations, individual citizens and ships as regards navigational safety of ships and prevention of pollution from ships.

It shall not apply to warships and sporting boats.

Article 9 (Application of other relevant instruments)

With respect to any substance which is not provided in this Law as far as maritime administration concerns, the applicable international maritime conventions (together with the associated codes and any amendments thereto) should be referred to. Such conventions are listed in the appendix to this Law.

Chapter 2 Establishment of Maritime Administrative System

Article 10 (Maritime Administration Organ)

The maritime administration organ which undertakes to perform the State's function of maritime administration refers to the national maritime authority and local maritime administration organs.

It also refers to the specialized agencies of the national maritime authority.

The maritime administration organs shall ensure strictness in the maritime administrative performance in accordance with the requirements of the maritime policies and legislation.

Article 11 (National Maritime Authority)

The national maritime authority which is the central organ responsible for exercising coordinated control and governance over the national maritime administrative affairs undertakes to perform the key maritime administrative functions by itself and to govern the performance of the local maritime administration organs.

The national maritime authority represents the maritime authority of the State in the external affairs.

Article 12 (Development of detailed regulations and guidelines for enforcement of maritime administrative laws)

The national maritime authority shall timely develop and promulgate detailed regulations and guidelines for enforcement of maritime administrative laws and constantly update them to keep up with the times. In this case, the requirements of the international maritime conventions to which the DPRK acceded shall be incorporated thereinto.

Article 13 (Local maritime administration organs)

Local maritime administration organs undertake to attend to the maritime administrative affairs within their respective jurisdictions under the control of the national maritime authority.

Local maritime administration organs include provincial (municipal), city (district), and county maritime administration organs.

Article 14 (Other relevant specialized organs in the maritime sector)

The national maritime authority may, subject to the approval by the Cabinet, establish any specialized organ necessary for maritime administration.

The procedures for the establishment and operation of such an organ shall be subject to the relevant legislation.

Article 15 (Ship control station)

In order to facilitate maritime administration throughout the country, the national maritime authority shall ensure that ship control stations are set up and run under the control of their associated local maritime administration organs.

Article 16 (Non-standing Committee on National Maritime Affairs)

The Non-standing Committee on National Maritime Affairs shall be put in place under the control of the Cabinet with a view to discussing and tackling important issues arising from the implementation of the maritime policies and legislation.

The national maritime authority shall serve as the executive body of this Committee.

Article 17 (Non-standing Committee on Maritime Search and Rescue Coordination)

The Non-standing Committee on Maritime Search and Rescue Coordination shall be put in place under the auspices of the national maritime authority with a view to ensuring the coordination of maritime search and rescue operations.

The Committee consists of personnel from the relevant organs including maritime administration organs, national planning organ, shipping entities, port/harbor/quay management organs, public health organs, telecommunication organs and hydro-meteorological organs.

Article 18 (Maritime Administration Personnel)

Maritime administration personnel, directly responsible for administering maritime affairs, shall be duly qualified.

The national maritime authority shall set the criteria for qualification of maritime administrative personnel in accordance with which it shall make a periodic assessment of the competencies of such personnel to certify that they are duly qualified.

Chapter 3 Registration of ships

Article 19 (Establishment of Criteria for Ship Registration)

The establishment of criteria for ship registration is the prerequisite to ensure accuracy in such registration.

The national maritime authority shall ensure that such criteria are established and implemented in conformity with the requirements of the State policies and national and international legislations concerning ship registration.

Article 20 (Classification of ship registration according to the services for which the ships are intended)

When ships are registered, they are subject to different registration standards, according as they are ships engaged on international or domestic voyages or foreign ships.

When any deep sea fishing vessel is registered, it shall be treated as a ship engaged on international voyage.

Article 21 (Types of ship registration)

Ships shall, under different circumstances, be subject to initial registration, change of registration, deregistration, suspension of registration, ownership registration and mortgage registration.

The national maritime authority shall determine the kinds and formats of documents to be prepared by the relevant institutions, enterprises and organizations as regards registration of ships.

Article 22 (Technical survey of ships to be registered or recycled)

Any ship to be registered or recycled shall undergo the technical survey of the maritime administration organ which shall notify the relevant shipping institutions, enterprises and organizations of the result thereof after such a survey.

Article 23 (Technical assessment of a ship prior to purchase)

Any ship to be purchased in a foreign country or to be bareboat chartered for the period of one year or more shall undergo the general technical assessment of the maritime administration organ.

In case of transfer or takeover of a ship between institutions, enterprises and organizations, general technical assessment may, upon request, be conducted on such a ship.

Article 24 (Application for and deliberation of ship registration)

Registration of a ship is initiated, upon the application by shipping institutions, enterprises and organizations for such registration.

The maritime administration organ shall ensure strictness in deliberation of ship registration which consists of examination of the relevant application documents, consideration on the technical survey of ships and identification of the relevant ownership.

Article 25 (Demand and verification of information necessary for the deliberation of ship registration)

The maritime administration organ may either demand from the relevant institutions, enterprises and organizations any information needed to deliberate the registration of ships, or have the necessary information verified by the international organizations, foreign maritime authorities or notary offices.

Article 26 (Approval or rejection of ship registration)

The maritime administration organ shall, during the deliberation of ship registration, verify whether or not the ship in question meets the criteria for ship registration and accordingly make a decision whether to approve or to reject the registration of such a ship.

In case where the registration of ships is rejected, such rejection shall be notified to the relevant applicants together with the reason therefor.

Article 27 (Register of Ships and Record of Ship Particulars)

The maritime administration organ shall establish a register of ships in which the acceptable ships shall be entered. Such register shall record all the necessary details of the ships including their names, dates of registration, ports of registry, gross and net tonnages, types, registration numbers, IMO identification numbers, call signs, MMSIs, ownership, operatorship, credits and debts, continuous synopsis records and technical characteristics.

Article 28 (Designation of Ship Names and Ports of Registry)

Each ship shall have a unique name and port of registry.

The principles, method and procedures of designating a ship name and port of registry shall be set forth by the national maritime authority.

Article 29 (Issue of Certificate of Ship Registry)

As far as the ships which have been entered in the register of ships of the DPRK are concerned, the maritime administration organ shall ensure that the ship engaged on domestic voyages is issued with the *Ship Registration and Sailing Certificate* which is valid for 4 years, while the ship engaged on international voyages with the *Certificate of Registry* which is valid for 5 years.

Any foreign ship which is intended for use in various economic activities, including fishing, and scientific researches in the DPRK waters shall be issued with the interim certificate of registry which is valid for a stipulated period of time, while any ship which is undergoing the pre-registration procedures for grant of the nationality of the DPRK or which is intended for a voyage to the

designated place for the purpose of repair, recycling and sale shall be issued with the interim certificate of registry with 6-month validity.

Article 30 (Deregistration of ships)

The maritime administration organ shall deregister:

1. any ship deregistration of which has been applied for by its shipping institution, enterprise or organization;

2. any ship which has ceased to exist even though its information still remains in the register of ships or has been missing for 5 months or more; or

3. any ship the operation of which impairs the State interests or any information of which recorded in the register of ships proves false.

Article 31 (Issue of Ship Minimum Safe Manning Document)

The maritime administration organ undertakes to determine the minimum safe manning of any DPRK flagged ship, taking into account the size and structure, number and output of engines, technical equipment, sailing distance of such a ship, etc.

The minimum safe manning of the ship engaged on domestic voyages shall be specified in its *Ship Registration and Sailing Certificate* while that of the ship engaged on international voyages shall be specified in the *Minimum Safe Manning Document*.

Article 32 (Issue of Continuous Synopsis Record)

The maritime administration organ shall issue to any DPRK flagged ship a record of history of a ship or Continuous Synopsis Record which records the nationality, name, port of registry, information on the ship owner and operator, class of such a ship, etc. The former shall be issued to ships engaged on domestic voyages while the latter to ships engaged on international voyages.

Chapter 4 Registration of Seafarers and Assessment of their Competency

Article 33 (Establishment of Criteria for Seafarer Registration)

The establishment of criteria for registration of seafarers is the prerequisite to ensure accuracy in such registration.

The national maritime authority shall ensure that such criteria are established and implemented in conformity with the requirements of the State policies and national and international legislations concerning seafarer registration.

Article 34 (Examination of Health and Physical Capabilities of Seafarers)

The maritime administration organ shall establish proper criteria for health and physical capabilities of seafarers on the basis of which seafarers' health and physical capabilities shall be examined. Seafarers' health shall be judged by the medical examination of the public health organizations.

Any person who fails to meet these criteria shall not be eligible for seafarers.

Article 35 (Education and training courses of marine education and training institutions)

The marine education and training institutions shall develop education and training courses in accordance with the standards for seafarers education and training and submit them to the maritime

administration organ for its approval.

Such standards shall be set by the national maritime authority.

Article 36 (Issue of Seafarers' Certificate of Proficiency)

The maritime administration organ shall conduct assessment of the proficiency of seafarers who have undergone the required training and issue relevant certificates to those who succeeded in such assessment. The term of the validity of such a certificate is specified in the associated regulations of this Law.

Article 37 (Deliberation of Seafarer Registration)

The maritime administration organ shall deliberate any application for seafarer registration, taking into account the criteria for such registration to ascertain whether the applicant has successfully undergone the required education and training, physical examination and proficiency assessment and accordingly make a decision to approve or reject the application.

In case of rejection, the applicant shall be notified thereof together with the reason therefor.

Article 38 (Classification of seafarer registration according to the services for which the seafarers are intended)

When seafarers are registered, they are subject to distinctive registration requirements, according as they are seafarers engaged on international voyages or domestic voyages or foreign ships.

Any seafarer who intends to be employed onboard a deep sea fishing vessel shall be treated as a seafarer engaged on international voyages.

Article 39 (Types of seafarer registration)

Seafarers shall be subject to initial registration, change of registration and deregistration.

The maritime administration organ shall apply distinctive procedures and methods according as the seafarer in question is subject to initial registration, change of registration or deregistration, thus ensuring accuracy in the seafarer registration information.

Article 40 (Register of Seafarers and Record of Seafarer Profiles)

Seafarers shall be entered in the register of seafarers which records seafarers' names, birth dates, registration numbers, employers' names, ship names, onboard duty, training results and other necessary information. Seafarer registration shall group the seafarers according as they are engaged on international or domestic voyages.

Article 41 (Issue of Seaman's Passports and Endorsements)

The maritime administration organ shall issue a seaman's passport with 5-year validity to the initially registered seafarer. In case of change of registration, such a passport shall be renewed with changed information added.

Any foreign seafarer who intends to serve onboard the DPRK flagged ship shall be issued an endorsement after his/her seaman's passport, certificate of competency and other relevant documentation are endorsed.

Article 42 (Standards for Seafarer Competency)

The standards for seafarer competency shall be divided as appropriate according as they are for

international or domestic voyages.

These standards shall be established by the national maritime authority in conformity with the requirements of the national maritime legislation of the DPRK and the international maritime conventions to which the DPRK acceded.

Article 43 (Category of Seafarer Competency Assessment)

To ensure scientific accuracy in assessment of seafarers, their competency is grouped as appropriate under professional functions including deck department, engine department, radio communication department, electrical department and piloting department.

The seafarer competency assessment includes assessment of current class competency and assessment of higher class competency.

Article 44 (Verification of the Applicant for Seafarer Competency Examination)

The maritime administration organ shall, with respect to applicants for seafarer competency examination, verify whether they meet the relevant requirements for educational and training background, sea service experience, apprenticeship, etc., and accordingly approve them to take such examination.

Article 45 (Seafarer Competency Assessment)

The maritime administration organ shall establish the appropriate procedures and methods of seafarer competency assessment in accordance with which it shall conduct accurate assessment.

The results of such assessment shall be notified to the relevant institutions, enterprises and organizations.

Article 46 (Registration of Certificated Officers)

The maritime administration organ shall have a registry of certificated officers in place to maintain the record of the seafarers who are found satisfactory in the competency assessment at appropriate levels. Such record shall include names, birth dates, registration numbers, competency levels of the seafarers and other necessary information.

Article 47 (Issue of Certificates of Competency)

The maritime administration organ shall issue certificates of competency with 5-year validity to persons who, to its satisfaction, meet the requirements for assessment of either current class competency or higher class competency.

In case where vacancy occurs in an officer's post for death or sudden illness during a voyage or any other reasons, interim certificate of competency which is valid for 6 months or less shall be issued to a person properly certificated to fill the post immediately below. As the post of master, chief engineer or radio operator concerns, the interim certificate of competency which is valid for 3 months or less shall be issued to a person properly certificated to fill the post immediately below.

Article 48 (Issue of Certificates of Competency or Endorsements to Foreign Seafarers)

The maritime administration organ may issue to foreign seafarers certificates of competency or certificates of proficiency or endorsements attesting such certificates issued by the relevant foreign State(s) in accordance with the provisions of the International Convention on Standards of Training,

Certification and Watchkeeping for Seafarers, 1978, as amended.

Chapter 5 Validation of Technical Design Documentation and Ship Construction Survey

Article 49 (Establishment of standards for technical services)

The institutions, enterprises and organizations that are engaged in construction, conversion or repair of ships shall obtain approval by the maritime administration organ with regard to their technical services.

The maritime administration organ shall establish the proper standards for technical services of such institutions, enterprises and organizations which shall be evaluated for approval in accordance with such standards.

Article 50 (Technical services to be evaluated for approval)

The following services shall be evaluated for approval:

1. designing to construct, convert or repair ships;
2. constructing, converting or repairing ships;
3. manufacturing ship materials, engines and fittings; and
4. reconditioning ship equipment or associated parts.

Article 51 (Standards for technical service capacities)

In order to obtain approval of technical services:

1. the ship designers shall be provided with such technical capacities as human and material resources capable of designing ships in accordance with the provisions of the relevant rules;
2. the ship builders, repairers or operators shall be provided with technical forces, equipment and means and spacious areas necessary for ship building and repair in accordance with the provisions of the relevant rules;
3. the institutions, enterprises and organizations engaged in manufacturing ship materials and marine engines and fittings shall be provided with an effective system and appropriate scale of production, technical forces and equipment capable of manufacturing relevant products in accordance with the provisions of the relevant rules; and
4. the institutions, enterprises and organizations engaged in reconditioning ships shall be provided with appropriate service system, technical forces and servicing equipment specific to their economic scales and characteristics in accordance with the provisions of the relevant rules.

Article 52 (Issue of Technical Services Approval Certificate)

The maritime administration organ shall evaluate capabilities and performance of those engaged in ship building, conversion or repair in order to verify whether they meet the required standards for technical services and, to its satisfaction, issue technical services approval certificates.

After issue of such certificates, maintenance of the relevant capabilities and performance shall be verified on a yearly basis.

Article 53 (Examination of technical design documentation of ships)

The maritime administration organ shall examine technical design documentation of ships to verify that they meet the requirements including the maritime technical rules and standards, technical effectiveness and economical efficiency and the State policy concerning ship design.

Article 54 (Categorization of technical design documentation of ships)

Technical design documentation of ships includes the design drawings and technical documents concerning construction, conversion and repair of ships or manufacture and repair of ship materials, marine engines and fittings.

The maritime administration organ shall, among documents concerning ship design, specify the design drawings and technical documents to be examined.

Article 55 (Validation or invalidation of technical design documentation of ships)

The maritime administration organs shall, after examination, validate or invalidate technical design documentation of ships. With respect to the validated technical design documentation, the terms of validity shall be defined.

The technical design documentation which has been invalidated or expired shall be prohibited from any use in construction, conversion and repair of ships or manufacture and repair of ship materials, marine engines and fittings.

Article 56 (Re-examination of technical design documentation of ships)

In case where the technical design documentation of ships which expired or has been amended is intended for use in construction, conversion and repair of ships or manufacture and repair of ship materials, marine engines and fittings, the maritime administration organ shall re-examine such documentation.

Article 57 (Categorization of ship construction survey)

Ship construction survey refers to the technical supervisions during construction, conversion, repair or sea trial of ships and during manufacture of marine engines and fittings.

The maritime administration organ shall ensure a step-by-step and purpose-specific approach in the above supervisions, taking into detailed consideration the shipbuilding plans of the relevant institutions, enterprises and organizations.

Article 58 (Technical supervision during construction, conversion or repair of ships)

The technical supervision during construction, conversion or repair of ships shall be such as to ensure that the work is properly done during the whole process of construction, conversion or repair of ships from the initial step to the last step in conformity with the relevant design.

The maritime administration organ may ensure this technical supervision either by conducting such supervision at first hand or by overseeing the supervision conducted by the relevant institutions, enterprises or organizations by themselves.

If a step of work which is under technical supervision fails to prove satisfactory, the next step shall not be proceeded to.

Article 59 (Technical supervision during manufacture of marine engines or fittings)

The technical supervision during manufacture of marine engines or fittings shall be such as to ensure

that the work is properly done during the whole process of manufacture of such engines or fittings and installation thereof onboard ships.

The maritime administration organ may ensure this technical supervision either by conducting such supervision at first hand, verifying the relevant quality certificate or referring it to relevant quality inspection organs.

Article 60 (Technical supervision during sea trials of ships)

The technical supervision during sea trials of ships shall be such as to ensure that the technical performance of ships meet the requirements of the relevant technical design documentation when construction, conversion or repair of the ships has been completed.

The maritime administration organ may ensure such a technical survey by making a trial inclination or mooring or navigating the ships in question on trial.

Article 61 (Follow-up to ship construction survey)

The maritime administration organ shall issue certificates or give passing marks to the semi-finished or finished products that are found satisfactory during the ship construction survey, while it shall specify the deadline to remedy the situation to those which fail in such a survey.

Article 62 (Agreement on invention, ingenuity or software)

Any new invention, novelties or software intended to be introduced onboard ships or ship designs shall be subject to agreement of maritime administration organs which shall make evaluation to ensure that such introduction contributes to ship's safe navigation in compliance with the requirements of the relevant technical rules and regulations. If the evaluation is satisfactory, agreement shall be granted.

With regard to newly built ships, tonnages and load lines shall be determined in accordance with the Rules for the Tonnage Measurement of Ships and Load Line Rules for Ships.

Chapter 6 Survey of Ships in Service

Article 63 (Requirements for survey of ships in service)

Survey of ships in service shall be such as to evaluate the ships' safety through measurement, test and inspection of the hull, engines and fittings of ships in service.

The maritime administration organ shall strictly inspect ships in service to ensure that they comply with the relevant safety laws, regulations and technical rules.

Article 64 (Classification of ship-in-service survey according to the services for which ships are intended)

Ship-in-service survey shall ensure voyage specific approach under the relevant technical rules according as the ship to be surveyed is engaged on international or domestic voyages. The ships engaged on international voyages shall be surveyed in accordance with the applicable international maritime conventions such as the International Convention for the Safety of Life at Sea, 1974, as amended.

Article 65 (Types of ship-in-service survey)

Ships engaged on domestic voyages are subject to initial, annual, intermediate, periodic and renewal surveys, while those engaged on international voyages are subject to initial, annual, intermediate, renewal and periodic surveys as well as an inspection of outside of the ship's bottom.

Article 66 (Additional survey)

The maritime administration organ may, if necessary, ensure that an additional survey is conducted with regard to a ship the seaworthiness of which has been impaired or which is intended for conversion, repair or recycling in the wake of a marine casualty or for purchase.

Article 67 (Application for Survey of Ships in Service)

Survey of ships in service is initiated, upon the application by the shipping institutions, enterprises and organizations for such a survey.

The survey shall be conducted only when the relevant application documents are thoroughly prepared or the ship in question is fully ready for such a survey.

Article 68 (Issue of ship-in-service certificates)

The maritime administration organ shall, after ship-in-service surveys, issue certificates to ships which comply with the relevant requirements or endorse such surveys on the relevant existing certificates.

Ships engaged on international voyages shall be issued with the certificates required by the applicable international maritime conventions as well.

In case where the maritime administration organ conducts a survey of a foreign flag ship at the request of a maritime administration organ of its flag State, it may issue the relevant certificate(s) to such a ship.

Article 69 (Issue of Exemption Certificates)

The maritime administration organ may exempt from any requirements of the international maritime conventions a ship which, in exceptional circumstances, is required to undertake a single international voyage provided that it complies with the requirements concerning safe navigation and pollution prevention in the opinion of the maritime administration organ. In this case it shall issue an exemption certificate to such a ship.

Article 70 (Conversion, alteration, repair of ships in service)

If a ship in service is intended to be converted, altered or repaired, the relevant technical design documents shall be validated by the maritime administration organ, followed by the required survey.

Article 71 (Ship-in-service survey conducted abroad)

In case where any certificate of a DPRK flagged ship happens to expire while such a ship is underway in the foreign waters, the required subsequent survey of the ship shall be carried out by any overseas maritime mission of the DPRK.

In case of the absence of such a mission, the national maritime authority may conduct the survey at first hand or entrust the survey to any maritime administration organ of the relevant State.

Article 72 (Survey for insurance)

Survey for insurance shall include assessment of the technical condition of any ship to be insured.

The maritime administration organ may, at the request of the insurance organs, conduct assessment of the technical condition of the ship to be insured and issue the report thereof.

Chapter 7 Safety Management and Security Audits

Section 1 Safety Management Audits of Shipping Institutions, Enterprises and Organizations and of Ships

Article 73 (Requirements for safety management audits)

The safety management audit shall verify whether the shipping institutions, enterprises and organizations or ships establish and implement the safety management system in accordance with the safety management standards.

The maritime administration organ shall, for the purpose of the safe operation of ships and prevention of pollution from ships, establish effective safety management standards in accordance with which it shall audit the safety management systems of shipping institutions, enterprises and organizations and of ships.

Article 74 (Types of safety management audits)

Safety management audits include audits of shipping institutions, enterprises and organizations and those of ships. Such audits shall involve interim, initial, annual, intermediate, renewal and additional verifications.

The maritime administration organ shall inform the relevant institutions, enterprises and organizations of the safety management standards in order for them to make preparations accordingly.

Article 75 (Verification of the establishment and implementation of safety management system)

The maritime administration organ shall verify whether the shipping institutions, enterprises and organizations develop and implement the safety management systems for the safe operation of their ships and protection of marine environment in accordance with the safety management standards.

Article 76 (Application for Safety Management Audit)

The safety management audit is initiated, upon the application by the shipping institutions, enterprises and organizations for such an audit.

The shipping institutions, enterprises and organizations that intend to undergo the safety management audit shall prepare and submit the relevant application documents to the maritime administration organ.

Notwithstanding the above, where deemed necessary, safety management audits may be arranged without the application therefor.

Article 77 (Requirement for correction of safety management non-conformities concerning)

In case where shipping institutions, enterprises and organizations and ships fail to comply with the safety management standards in establishing or implementing their safety management systems, the maritime administration organ shall suspend their operation and require them to correct such non-conformity.

Article 78 (Safety management certification)

The maritime administration organ shall, on satisfactory completion of the safety management audits, issue relevant certificates to the institutions, enterprises and organizations or ships which comply with the required standards or endorse the validity of their existing certificates.

In case where any institution, enterprise and organization or ship has not implemented its safety management system for 6 months or more nor has timely undergone any audit at required intervals, the existing Document of Compliance or Safety Management Certificate shall be nullified.

Article 79 (Safety management audit of foreign flag ships or foreign ship operators)

The maritime administration organ may, at the request of any maritime administration organ of another State, conduct safety management audits of the relevant foreign flag ships or foreign ship operators and accordingly issue relevant certificates or endorse the validity of the existing certificates.

Article 80 (Issue of Certificate of the Designated Person)

The maritime administration organ shall make assessment of the competency of any person ashore designated to monitor the safety and pollution prevention aspects of the operation of each ship and accordingly issue the Certificate of the Designated Person to him/her.

Article 81 (Assessment of maritime working and living conditions and issue and verification of certificates)

The maritime administration organ shall establish the sufficient standards for maritime working and living conditions for seafarers serving onboard ships engaged on international voyages, perform verifications on a regular basis to ensure that such standards are complied with and issue the relevant certificates or endorse the validity of the existing certificates.

Article 82 (Verification of the establishment of seafarers and cargo management systems and Issue of certificates thereof)

In case where institutions, enterprises and organizations intend to have their seafarers employed onboard the foreign flag ships or to carry by ship any bulk solid cargo that may liquefy, the maritime administration organ shall make regular assessment to ensure that the seafarers or cargo management systems are in place in line with the seafarers or cargo management standards respectively and accordingly issue the relevant certificates or endorse the validity of the existing certificates.

Sampling of bulk solid cargo that may liquefy, measurement of its transportable moisture limit and certification thereof shall be subject to the relevant regulations.

Section 2 Security Audits of Ships and Port Facilities

Article 83 (Requirements for security audits of ships and port facilities)

Security audits of ships and port facilities shall verify whether ships engaged on the international voyages and international trade ports establish and implement their security systems in accordance with the security standards.

The maritime administration organ shall establish effective security standards for ships and port

facilities in accordance with which it shall audit the security systems of ships engaged on international voyages and international trade ports.

Article 84 (Setting of security levels)

Security levels shall be set to include Levels 1, 2 and 3 which respectively indicate the degrees of risk involving ships and port facilities.

Article 85 (Security officer)

Shipping institutions, enterprises and organizations or ships shall designate a person as the security officer with a view to implementing and maintaining the ship security plans. The security officer may hold another post concurrently.

The maritime administration organ shall specify the functional requirements for security officers and issue relevant certificates to those who comply with such requirements or endorse the validity of the existing certificates.

Article 86 (Approval of security plans)

Any ship shall develop a security plan designed to protect persons on board, cargo, cargo transport units, the ship's stores or the ship from the risks of a security incident, while any port operating institution, enterprise or organization shall develop a port facility security plan designed to protect the port facility and ships, persons, cargo, cargo transport units and ships' stores within the port facility from the risks of a security incident.

Any security plan shall be subject to the review and approval of the maritime administration organ.

Article 87 (Verification and certification of security systems)

Security audits include audits of ships and those of institutions, enterprises and organizations operating international trade ports. Such audits shall involve interim, initial, intermediate, renewal and additional verifications.

The maritime administration organ shall, upon the receipt of the application by ships or port operating institutions, enterprises and organizations or whenever deemed necessary, conduct security audits and accordingly issue the relevant certificates or endorse the validity of the existing certificates.

Article 88 (Completion of a declaration of security)

Any security officer shall prepare a declaration of security when his/her ship is operating at a higher security level than the port facility or another ship it is interfacing with and, therefore, may pose risk to persons, properties and environment.

The procedures and methods for the preparation of the declaration of security shall be determined by the maritime administration organ.

Article 89 (Ship Security Alert)

Any ship shall activate ship security alerts in the event of a serious security incident involving the port facility or another ship that it is interfaced with.

The maritime administration organ shall accept such alerts in time and take immediate actions.

Article 90 (Security audit of foreign flag ships)

The maritime administration organ may, at the request of any maritime administration organ of another State, conduct security audits of foreign flag ships and issue the relevant certificates or endorse the validity of the existing certificates.

Chapter 8 Prevention of Pollution from Ships

Article 91 (Requirements for prevention of pollution from ships)

The maritime administration organ shall establish effective standards for prevention of pollution from ships in place to ensure such prevention.

Article 92 (Ship's structure, equipment and facilities to prevent pollution)

The structure, equipment and facilities of a ship shall be designed, constructed or manufactured and installed in conformity with the relevant technical rules to prevent any pollution from ships.

The maritime administration organ shall develop and strictly enforce the rules and standards for the prevention of pollution from ships as required by the national legislation and international maritime conventions concerning environment protection.

Article 93 (Definition of ship pollutants and development of treatment standards)

Ship pollutants include such pollutants as oil, noxious liquid substances, harmful substances, sewage and garbage which pollute sea, rivers, lakes and air to cause damage to persons and environment.

The maritime administration organ shall establish effective standards for pollutants management and for discharge of pollutants specific to the kinds of the pollutants from ships.

Article 94 (Planned pollutant management)

Ships and relevant institutions, enterprises and organizations shall develop and implement plans of treatment of pollutants and ballast water and sediments.

The maritime administration organ shall approve or agree with such plans in accordance with the relevant national legislation and international maritime conventions.

Article 95 (Documents concerning the prevention of pollution from ships and verification thereof)

Ships and relevant institutions, enterprises and organizations shall maintain such documents as the pollution prevention plans, record books and confirmation notes related to the treatment of the pollutants. With respect to ships engaged on international voyages, such documents may be replaced by a device or system used to electronically record the required entries for discharges, transfers and other operations in compliance with the international maritime requirements.

The maritime administration organ shall specify the pollution prevention related documents to be maintained by the relevant ships, institutions, enterprises and organizations as well as the methods of developing such documents and verify the maintenance thereof on a regular basis.

In case where such documents fail to be maintained or contain incorrect records, it shall be held that pollutants have been illegally discharged.

Article 96 (Treatment of ballast water and sediments)

The maritime administration organ shall establish effective standards for installation of ballast water

and sediments treatment equipment and for treatment of ballast water and sediments to ensure that ships treat their ballast water and sediments in compliance with such standards.

Article 97 (Installation of ship pollutant reception facilities)

Ship pollutants shall be delivered to the reception facilities of ports, harbors, quays or sluice gates for treatment.

The maritime administration organ shall establish effective standards for installation and operation of pollutant reception facilities that ports, harbors, quays and sluice gates are required to be fitted with and ensure the pollutants are treated in accordance with the relevant standards.

Article 98 (Prevention of air pollution from ship engines, equipment and fittings)

The maritime administration organ shall establish effective standards for operation and use of engines, equipment and fittings as well as those for use of fuels which may cause air pollution and ensure that emission of air pollutants is prevented. To this end, it shall ensure that any bunker oil supplier is registered and establish the oil supplying system. The documentation demonstrating the quality of the bunker oil supplied, bunker delivery note and bunker oil sample shall be retained onboard a ship.

Article 99 (Prevention of pollution during construction, repair and recycling of ships)

The maritime administration organ shall ensure that effective standards for treatment of pollutants generated during the ship construction, repair and recycling are established and strictly complied with.

Article 100 (Approval of ship recycling)

Recycling of ships shall be subject to approval by the maritime administration organ which shall survey the ship to be recycled and issue relevant certificates. It shall also make assessment of the recycling capabilities of the relevant institutions, enterprises and organizations and issue certificates for approval to ensure that they recycle any ship in accordance with the approved plans.

Article 101 (Prevention of pollution during the wreck removal)

Ship wreck removal shall be subject to approval by the maritime administration organ.

The maritime administration organ shall make assessment of the wreck removal capabilities of the relevant institutions, enterprises and organizations, issue certificates attesting the capabilities to those that meet the requirements and ensure that they remove wrecks in accordance with the approved removal plans.

Article 102 (Prevention of pollution by ship hull paints)

Paints which may cause environmental pollution shall not be used as ship hull paints.

The maritime administration organ shall make accurate assessment of the influence of ship hull paints on the environment and accordingly approve or reject use thereof.

Article 103 (Verification of financial security to cover the liability for the wreck removal and for bunker oil pollution damage)

The maritime administration organ shall verify the financial security certificate of a ship to cover the liability for the wreck removal or for bunker oil pollution damage and issue relevant civil liability

certificate. In this case, the validity period of the latter certificate shall be the same as that of the former.

Article 104 (Ship Oil Pollution Contingency Response System)

The national maritime authority shall establish the Ship Oil Pollution Emergency Response System specific to the tier of oil spill incidents and, in the event of such incidents, coordinate the oil spill response operations in cooperation with the relevant organs as set out in the emergency response plans.

Chapter 9 Control over Ships in Service

Article 105 (Requirements for control over ships in service)

The maritime administration organ shall exercise strict control over the DPRK flagged ships and foreign flag ships navigating, berthing or working in the DPRK's ports, harbors, berths, inland waters and economic zone to secure their observance of the national maritime legislation and international maritime conventions.

Article 106 (Methods of control over ships in service)

The methods of control over ships in service include pre-sailing inspections of DPRK flagged ships, port State control inspections of foreign flag ships and case-by-case inspections of the ships which violate the relevant national maritime legislation and international maritime conventions.

Article 107 (Pre-sailing inspection)

Ships shall be subject to a pre-sailing inspection prior to each voyage. The ships, however, which have been found satisfactory during the recent pre-sailing inspections or during the recent port State control inspections may be exempted from the pre-sailing inspections for a certain period of time.

The maritime administration organ shall categorize DPRK flagged ships into ships that shall be enforced to continuously undergo pre-sailing inspections and those that may be exempted from such inspections, by analyzing the results of the previous pre-sailing inspections and port State control inspections which they underwent, so as to ensure that the ships under the former category alone undergo pre-sailing inspections.

Article 108 (Port State control inspection of foreign flag ships)

The maritime administration organ shall, under the provisions of the international maritime conventions to which the DPRK acceded, inspect foreign flag ships to verify whether they meet the minimum safe manning requirements; seafarers are capable of performing their assigned duties; certificates concerning ships and seafarers are carried onboard; such documents are valid and in proper use; and the hulls, structures, equipment and fittings of ships are properly maintained. Where it is found that any certificate has expired or the ship, equipment or seafarers fail to meet the requirements of the international maritime conventions, such a ship shall be subject to a more detailed inspection.

Article 109 (Measures against ships with deficiencies found)

The maritime administration organ shall take following the measures against ships with deficiencies

found during pre-sailing inspections or PSC inspections;

1. If a ship is found to have minor deficiencies related to its safe navigation and prevention of pollution, the ship shall not proceed to sea until the deficiencies are corrected;
2. If a ship is found to have such deficiencies as the serious breakdown of equipment or fittings related to its safe navigation and prevention of pollution or any invalid certificate, the ship shall be prohibited from proceeding to sea;
3. Foreign flag ships with deficiencies found may be allowed to proceed to sea on the condition that specific follow-up actions will be taken to rectify such deficiencies in accordance with the requirements of the international maritime conventions;
4. Other necessary measures pursuant to the relevant laws and regulations shall be taken.

Article 110 (Rectification of deficiencies)

Those ships which are prohibited from proceeding to sea as per paragraph 2 of Article 109 of this Law shall be allowed to sail after the deficiencies in question are rectified and such rectification is verified by the maritime administration organ.

The maritime administration organ shall ensure that undue delays of ships are avoided.

Article 111 (Control)

Where there are clear grounds to believe that a ship has violated the national legislation or international maritime conventions by deviating from its navigation area, committing any act which may cause pollution, creating a collision situation, etc., the maritime administration organ may interdict such a ship to take appropriate control actions including examining the relevant documentation, inspecting equipment, investigating the alleged violation, etc.

Investigation shall be ensured either when the DPRK flagged ships commit any violation in foreign waters or when foreign flag ships commit any violation in the DPRK waters.

Penalty shall be imposed on any violation in accordance with the provisions of relevant laws and regulations.

Article 112 (Written notice of detention and release of foreign flag ships)

In case where the maritime administration organ takes such measures as detention or release of a foreign flag ship, it shall send a written notice thereof to the relevant shipping agency or other relevant organizations while it shall notify thereof the relevant international organizations, maritime administration organ of the flag State and organization by which the certificate is issued on behalf of the flag State.

Article 113 (Denial of foreign flag ships' entry into DPRK ports)

Any foreign flag ship in non-compliance with the requirements of the international maritime conventions such as those which fail to meet the international security standards, pose danger to the environment, etc. shall be denied entry into the DPRK ports. The national maritime authority shall communicate such denial to the International Maritime Organization and the flag State of the ship.

Chapter 10 Maritime Search and Rescue Coordination

Article 114 (Requirements for maritime search and rescue coordination)

The maritime search and rescue coordination includes rescue coordination activities to save persons and ships in distress at sea, rivers and lakes and render necessary assistance for them.

The national maritime authority shall establish maritime search and rescue coordination organs through which it coordinate maritime search and rescue operations.

Article 115 (Levels of distress)

Maritime distress shall be categorized into three levels, according to what the distress in question involves, how serious it is and where it occurs.

The criteria for such categorization shall be set by the national maritime authority.

Article 116 (Establishment of maritime search and rescue coordination system)

The national maritime authority shall establish a well-knit maritime search and rescue coordination system for prompt response to any distress to ensure that persons, ships and cargoes in distress are saved and provided with necessary assistance in accordance with the emergency response plans.

Article 117 (Development and approval of emergency response plans)

The emergency response plans shall be grouped as the national one and local ones.

The national emergency response plan shall be developed by the Non-standing Committee on National Maritime Search and Rescue Coordination and approved by the Cabinet, while the local plans shall be developed by the local Non-standing Committees on Maritime Search and Rescue Coordination and approved by their upper-level Committees.

Article 118 (Determination of distress level and emergency response)

The maritime search and rescue coordination organ, upon the receipt of a distress alert, shall identify and analyze authenticity thereof and report it to the maritime administration organ which undertakes to determine the level of such distress and announce the commencement and termination of the emergency response.

Article 119 (Rescue operation and coordination thereof)

Any rescue shall be operated and coordinated under the command of the Maritime Search and Rescue Coordination Committee.

The Maritime Search and Rescue Coordination Committee undertakes to consider any issue of enlisting rescue personnel and equipment and take appropriate actions accordingly.

Article 120 (Search and rescue cooperation with other States)

The Non-standing Committee on National Maritime Search and Rescue Coordination shall foster cooperation for maritime search and rescue with the international organizations and other States.

Chapter 11 Marine Casualty Settlement

Article 121 (Requirements for marine casualty settlement)

Marine casualty settlement includes investigating marine casualties or incidents and, accordingly,

deliberating and adopting appropriate measures to prevent recurrence of such casualties or incidents.

The maritime administration organ shall establish effective standards for marine casualty investigation and methods of marine casualty deliberation which constitutes the basis of the marine casualty settlement.

Article 122 (Categorization of marine casualties or incidents)

Marine casualties or incidents include such accidents as death or injury of persons, sinking, flooding, collision, grounding and squatting of ships, damage or breakdown of main equipment, fire and pollution.

Article 123 (Marine casualty reporting system)

The national maritime authority shall, in order to ensure timely settlement of marine casualties or incidents occurring at seas, rivers and lakes, establish a well-ordered nationwide system for immediate report thereof.

Article 124 (Jurisdiction of marine casualty investigation)

The investigation of any marine casualty or incident occurring in the DPRK waters shall be conducted by the maritime administration organ with jurisdiction over the area where such a casualty or incident occurred.

In case of the investigation of the marine casualties which occur to DPRK flagged ships in high seas or in foreign waters, the national maritime authority shall appoint appropriate investigators.

Article 125 (Empowerment of marine casualty investigators)

As regards investigation of any marine casualty or incident, marine casualty investigators are empowered to:

1. have access to the site of the marine casualty or incident or the ship in question;
2. examine any relevant documents including documentation of the ship or seafarers concerned, logbooks, records and voyage plans;
3. dismantle the relevant equipment or parts where necessary or photograph, measure or analyze the object in question;
4. disembark any person concerned for inquiry; or
5. request the relevant specialized organ to conduct an appraisal in connection with marine casualties.

Article 126 (Suspension of service of ships)

The maritime administration organ may take appropriate actions to prohibit the ship involved in a marine casualty or incident from leaving the place in question for a certain period of time for the purpose of investigation. In this case, the period of such prohibition shall not exceed 7 days.

In special circumstances, such period may be extended subject to the approval by the national maritime authority.

Article 127 (Preparation and submission of a marine casualty investigation report)

Marine casualty investigators, upon completion of their investigation, shall draw up a marine casualty investigation report which shall be presented for deliberation of the casualty or incident in

question.

Such a report shall, supported by evidence, provide details including why and how the casualty or incident happened and what damage it caused.

Article 128 (Marine casualty deliberation)

The maritime administration organ shall convene the session of the Marine Casualty Panel to deliberate the marine casualty or incident in question and to decide how to settle it within 30 days from the completion of the relevant investigation.

The marine casualty deliberation shall involve members of the Marine Casualty Panel, interested parties and witnesses.

Article 129 (Certificates of Marine Casualty)

The maritime administration organ, if so requested, may issue certificates of marine casualty to the relevant institutions, enterprises and organizations or citizens

Article 130 (Settlement of marine casualties or incidents involving foreign flag ships)

If a marine casualty or incident occurs to any foreign flag ship in the DPRK waters, the maritime administration organ shall ensure that such a ship is prohibited from proceeding to sea by the relevant organization and such a marine casualty or incident is investigated and deliberated and accordingly settled.

In case where any agreement of investigation and settlement of marine casualties or incidents is in effect between the DPRK and other States, it shall be implemented.

Chapter 12 Guidance and Control over Maritime Administration

Article 131 (Leading Organ of Maritime Administration)

Maritime administrative affairs shall be governed by the national maritime authority under the coordinated leadership of the Cabinet.

The national maritime authority shall undertake regular guidance over the maritime administrative affairs.

Article 132 (Supervision and control over maritime administrative affairs)

Supervision and control over maritime administrative affairs shall be undertaken by the national maritime authority and the relevant supervisory organs which shall monitor and control the implementation of the State's maritime policies on a regular basis.

Article 133 (Communication of national maritime legislation, international conventions and other information)

The maritime administration organ shall timely communicate the national maritime legislation, international conventions and other related information to the relevant institutions, enterprises and organizations and monitor the implementation thereof.

Article 134 (Monthly Campaign for Marine Casualty Prevention)

The State shall have in place the yearly August-September Period for Marine Casualty Prevention Campaign during which intensive campaigns for the prevention of marine casualties are conducted

as part of anti-accident culture.

Article 135 (Provision of Conditions for Maritime Administration)

The maritime administration organ may request the relevant institutions, enterprises, organizations or citizens to provide such assistance as experts, documents, materials, equipment or the like needed for maritime administrative performance.

In this case, the institutions, enterprises, organizations and citizens shall timely accept such request.

Article 136 (Imposition of administrative penalties)

The maritime administration organ, within the ambit of its authority, undertakes to impose such penalties as fine, suspension, confiscation, disqualification, etc. on the institutions, enterprises, organizations or citizens who have violated this Law or may propose severer penalties to the competent authority as appropriate.

Any certificate which has been forged or unlawfully issued to a ship or seafarer shall be withdrawn.

Article 137 (Re-issue of Certificates)

The maritime administration organ shall determine the formats and periods of logbooks or records to be retained onboard ships.

Any certificate of a ship or seafarer which has been lost, stained or expired shall be reissued or renewed.

Article 138 (Maritime Sector Specific Quality Standards)

The maritime administration organ shall ensure that effective quality standards are established to evaluate such maritime affairs as seafarer training, construction, repair or recycling of and technical service for ships and removal of wrecks in compliance with the national and international requirements concerning safe navigation and pollution prevention and secure the observance thereof by the relevant institutions, enterprises and organizations.

Article 139 (Communications under the International Maritime Conventions)

The national maritime authority shall communicate necessary information to the International Maritime Organization and other relevant international organizations or maritime administration organs of other States in accordance with the communication requirements of the international maritime conventions.

Article 140 (Administrative and criminal responsibility)

Either administrative or criminal sanctions shall, as the case may be, be imposed on any officials of the institutions, enterprises and organizations, or individual citizens in breach of this Law.

Appendix

The List of the International Maritime Conventions to which the DPRK acceded

1. Convention on the International Maritime Organization, 1948
2. International Convention for the Safety of Life at Sea, 1974, as amended and 1978 and 1988 Protocols thereto
3. International Convention for the Prevention of Pollution from Ships, 1973 and 1978 Protocols thereto
4. International Convention on Load Lines, 1966 and 1988 Protocol thereto
5. International Convention on Tonnage measurements of Ships, 1969
6. Convention on the International Regulations for Preventing Collisions at Sea, 1972
7. International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978, as amended
8. International Convention for Safe Containers, 1972, as amended
9. Convention on the International Maritime Satellite Organization (INMARSAT) 1976, as amended
10. Nairobi International Convention on the Removal of Wrecks, 2007
11. International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001